

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

NOVEMBER 24, 2003

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER

INVOCATION Reverend Gary Shansky, B’rit Hadasha

PLEDGE OF ALLEGIANCE

ROLL CALL

RENDTORFF Approval of Minutes of Previous Sessions
ADOPTED November 10, 2003

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

FORD 1. **Memorial Resolution honoring our fallen hero, Army Staff**
ADOPTED **Morgan Deshawn Kennon, of Memphis.**

Ordinances

HOOKS 2. **ORDINANCE – SECOND READING – (ZTA 03-001CC)**
APPROVED **A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance-Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:**
Amend Section 2, “Interpretations and Definitions”;
Section 26, “Overlay District Regulations” to add a new overlay district; and
Section 26, FP floodplain district, paragraph I.7.

Zoning and Subdivisions

HOOKS 3. **Resolution approving various subdivision contracts, plats,**
ADOPTED **extensions, bond releases, etc. as recommended by the**
(A) **County Engineer.**

Reports and/or Resolutions of Standing Committees

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|-----------------------------|-----|--|
| KIRK
ADOPTED | 4. | Resolution to convey one delinquent tax parcel of county owned real property totaling 2,047.32 square feet (0.04 acres) in size, located on Sanderwood Drive (parcel #060 1760 A 00048 0), to Memphis-Shelby County Airport Authority, for taxiway expansion. |
| LILLARD
ADOPTED | 5. | Resolution authorizing the mayor to enter into a grant agreement with the State of Tennessee, Department of Military, Tennessee Emergency Management Agency for the benefit of the Memphis and Shelby County Emergency Management Agency in the amount of \$40,000.00 and amending the FY 2003/2004 Operating Budget. |
| LILLARD
ADOPTED | 6. | Resolution approving a joint funding agreement with Osmose, Inc. for construction and installation of a Lead Track and Switchyard funded by Osmose, Inc. and the State of Tennessee. |
| LILLARD
ADOPTED | 7. | Resolution appropriating funds in the amount of \$6,500.00 for acquisition of right-of-way for the project Brunswick Road Bridge over Paige Creek from the FY 2003/2004 Budget for CIP Project 100111, Bridge Maintenance and Repair. |
| AVERY
ADOPTED | 8. | Resolution requesting approval to amend the Memphis and Shelby County Health Department's FY 2003/2004 Operating Budget and to appropriate funds in the amount of \$11,378.00 carried forward from FY 2002/2003 to FY 2003/2004 in the HIV/STD Best Prevention Practices program. |
| AVERY
ADOPTED | 9. | Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$2,878,900.00 to operate the WIC Program for the period October 1, 2003 through September 30, 2004, and to amend the FY 2003/2004 Operating Budget. |
| AVERY
ADOPTED | 10. | Resolution to approve a grant contract amendment from United Way of the Mid-South to the Memphis and Shelby County Health Department in the amount of \$128,664.00 for the purpose of providing nutrition services for HIV clients for the period April 1, 2003 – March 31, 2004, and to amend the FY 2003/2004 Operating Budget of the Division of Health Services. |
| THOMPSON
ADOPTED | 11. | Resolution amending the FY 2004 Operating Budget and authorizing the Shelby County Mayor to execute a Grant Agreement with the State of Tennessee Department of Transportation – Governor's Highway Safety Office for the East Shelby Safe Highway Project in the amount of \$62,392.00. |

- RENDTORFF
ADOPTED

12. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$119,605.00 in grant funds from the Tennessee Department of Agriculture for the Community Services Commodities Program and to amend the Shelby County Operating Budget for FY 2004.
- MALONE
ADOPTED

13. Resolution authorizing the mayor of Shelby County to amend the Shelby County Department of Housing budget for FY 2004 by establishing fund numbers 227 and 228 and by adjusting the budget in various other funds to account for a new Lead Based Paint Hazard Control Grant from the U.S. Department of Housing and Urban Development.
- HOOKS
ADOPTED

CONSENT AGENDA

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

- AVERY
ADOPTED

14. Resolution approving the mayor’s nomination of John Bossier for reappointment and Dr. David Mirvis for appointment to the Memphis and Shelby County Air Pollution Control Board.
- HOOKS
ADOPTED

15. Resolution approving the mayor’s nomination of Gene Childress, Larry Jenkins and Lewis Wood for reappointment and Gregory Taylor for appointment to the Memphis and Shelby County Cross Connection Board for a term of three years.
- RENDTORFF
WITHDRAWN

16. Resolution approving the county mayor’s nominations of Peggy Brewer, Dr. Sabrina Brinson, Dr. Robin Phaneuf, Linda Williams, and Dr. Jim Mitchell as community representatives to the Shelby County Head Start Policy Council.

Ordinances

- HOOKS
(DEFERRED
FOR 30 DAYS
TO 12/22/03)

17. **ORDINANCE – THIRD READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction

Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

HOOKS
(DEFERRED
TO 12/08/03)

18. **ORDINANCE – THIRD READING – (STA 03-001CC)**
A Joint Ordinance amending the Memphis and Shelby County Subdivision Regulations adopted by the Shelby County Board of Commissioners and the City Council of the City of Memphis on December 19, 1983, being Resolution and Zoning Ordinance No. 3352, as amended, so as to make certain changes therein as follows:
Amend Section 301.3 “Preliminary Plan Requirements” paragraph D
Section 301.7 “Final Plat Requirements” paragraph C and
Section 105, “Jurisdiction/exemptions”.

AVERY
ADOPTED

19. **ORDINANCE – THIRD READING - Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend the Shelby County Air Code and Chapter 14.5 of the Code of Shelby County to retain the same annual emission fee amount for calendar year 2002; by providing for revisions for noncompliance; to amend required sampling, recording and reporting; to amend methods of sampling and analysis; to amend fees for stack tests; to add new authority for the Air Board to issue Confidentiality Protection Orders for Secret Formulae, processes or methods used in manufacturing operations and to grant, deny or revoke confidentiality; to add a definition of " *Regulated Pollutant* (for fee calculation)" to incorporate by reference specified state and federal emission standards; and housekeeping revisions.**

Zoning and Subdivisions

HOOKS
ADOPTED

20. **CASE NO. Z 03-114 CC**
APPLICANT: Windsor Park, LLC
LOCATION: North side of Ellis Road; beginning 944.6 feet west of Brunswick Road
REQUEST: Single Family Residential (R-S10) District
Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL
Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL
(Notice of public hearing published in the Daily News on Friday, August 15, 2003.)

**HOOKS
ADOPTED**

21.

CASE NO. P.D. 03-351 CC

APPLICANT: Tan-Houston Levee, LLC

LOCATION: West side of Houston Levee Road; +/- 1,200 feet southwest of Morning Sun Rd.

REQUEST: Planned development to allow single family detached residential dwellings with minimum lot sizes of 4,305 square feet and Planned Commercial (C-P) District uses within the Outline Plan.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, November 14, 2003.)

**HOOKS
ADOPTED**

22.

CASE NO. P.D. 03-357 CC

APPLICANT: Glennalex, LLC/Grace Development

LOCATION: Northwest corner of Houston Levee Road and Walnut Grove Road

REQUEST: Planned development to allow Planned Commercial (C-P) District uses within the Outline Plan

Memphis and Shelby County Office of Planning and Development recommendation:
HOLD FOR SITE PLAN AMENDMENTS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, November 14, 2003.)

**HOOKS
ADOPTED**

23.

CASE NO. U.V. 03-03 CC

APPLICANT: Mark Lovell

LOCATION: South side of Collierville-Arlington Road; +/- 200 feet west of its intersection with Seward Road

REQUEST: Wedding Chapel

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing in newspaper of general circulation required.)

**HOOKS
ADOPTED**

- 24. CASE NO. Z 03-120 CC
APPLICANT: Mel Brookins**
- LOCATION: North side of Berryhill Road; +210 feet
east of Strawberry Lane**
- REQUEST: Single Family Residential (R-S8) and
Residential Estate (R-E) Districts**
- Memphis and Shelby County Office of Planning and Development
recommendation:**
APPROVAL
- Memphis and Shelby County Land Use Control Board
recommendation:**
APPROVAL
- (Notice of public hearing published in the Daily News on Friday,
November 14, 2003.)**

Reports and/or Resolutions for Standing Committees

**KIRK
ADOPTED**

- 25. Resolution amending the FY 2004 Budget by transferring
Commissioner Contingency Funds in the amount of
\$140,000.00 for appropriation to Map South, Inc. and the
Public Defender’s Office and amending the budget of the
Shelby County Clerk.**

**WILLINGHAM
(DEFERRED
TO 12/08/03)**

- 26. Resolution to approve contract with Barnett
Naylor/Hanscomb to assist the county administration and the
Shelby County Board of Commissioners in providing
analysis, technical review and value engineering
recommendations regarding any and all design and
construction and costs of the NBA Arena (aka Fedex Forum)
in Memphis, Tennessee.**

Announcements/Statements

Adjournment

**HOOKS
ADOPTED**

- 27. Resolution of Adjournment to December 8, 2003, at 1:30 p.m.**

**[For questions regarding the Agenda, please call
Grace Hutchinson, Chief Administrator, at 545-4301.]**